

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ARCHELINO T. PALPALLATOC,

Plaintiff,

v.

THE BOEING COMPANY; CARY FISKE;
KYLE CHURCHILL; and 3 Jane/John Doe
Defendants whose identity is not yet known,

Defendants.

No. 3:22-cv-05728-BJR

UNOPPOSED MOTION TO EXTEND
DEADLINE TO RESPOND TO
AMENDED COMPLAINT AND
ORDER

Pursuant to Local Rule 7(d)(1), Defendant The Boeing Company (“Boeing”) hereby requests that the Court extend Boeing’s deadline to file its response to Plaintiff’s Amended Complaint until 14 days after the Court rules on Boeing’s partial motion to dismiss. Counsel for Archelino T. Palpallatoc (“Plaintiff”) have stated that they consent to the extension and do not oppose the motion.

On October 7, 2022, Boeing filed its partial motion to dismiss and motion for more definite statement. Dkt. 12. On December 5, 2022, Plaintiff filed his opposition to Boeing’s motion, Dkt. 18, as well as a motion for leave to file an amended complaint, Dkt. 17. On December 8, 2022, the Court granted Plaintiff’s request to file an amended complaint and directed Boeing to proceed with filing its reply in support of its partial motion to dismiss on December 19, 2022. Dkt. 20.

Under Federal Rule of Civil Procedure 12(a)(4)(A), Boeing must serve an answer 14 days after notice of the Court's action on the partial motion to dismiss. However, out of an abundance of caution resulting from Plaintiff filing his Amended Complaint prior to the Court ruling on the partial motion to dismiss, Boeing seeks an order from the Court extending Boeing's answer deadline. Additionally, because the Amended Complaint resolved some, but not all, of the issues addressed in the partial motion to dismiss, the Court's anticipated ruling on the partial motion to dismiss may result in further amendments to the complaint. Accordingly, in the interest of judicial economy and to avoid the unnecessary filing of an answer to a complaint that may change pending the Court's ruling on the partial motion to dismiss, Boeing seeks to extend its deadline to file its answer to Plaintiff's Amended Complaint until 14 days after the Court rules on the partial motion to dismiss.

Dated: December 19, 2022

By: s/ Linda D. Walton


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*Attorneys for Defendant THE BOEING
 COMPANY*

ORDER

Based upon the foregoing, **IT IS SO ORDERED** that Boeing's deadline to file an answer to Plaintiff's Amended Complaint is extended until 14 days after the Court rules on the partial motion to dismiss.

DATED this 15th day of February, 2023.


BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

On December 19, 2022, I caused to be served upon the below named counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the foregoing document.

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☐ Via Hand Delivery
☐ Via U.S. Mail, 1st Class,
Postage Prepaid
☐ Via Overnight Delivery
☒ Via Email
☒ Via E-service

I certify under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

EXECUTED at Seattle, Washington, on December 19, 2022.

s/Kayani Bituin

Kayani Bituin, Legal Practice Assistant

CERTIFICATE OF SERVICE

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